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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/824,633 03/27/97 DRILL

C VLSI-2759

EXAMINER

QM12/0721

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SAN JOSE CA 95113

RACHUBA, M

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

07/21/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/824,633

Applicant(s)
Drill et al

Examiner
M. Rachuba

Group Art Unit
3724



☒ Responsive to communication(s) filed on Jun 18, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3, 4, 6-10, 12, and 14-19 is/are pending in the application.

Of the above, claim(s) 18 and 19 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3, 4, 6-10, 12, and 14-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Claims 18 and 19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected method. Election was made **without** traverse in Paper No. 3.

Claim Rejections - 35 U.S.C. § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4, 6, 8, 10, 12, 14 and 16 are finally rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cote et al, as set forth in paper no. 4, mailed February 12, 1999.

Claim Rejections - 35 U.S.C. § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 9 and 17 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Cote et al, as set forth in paper no. 4, mailed February 12, 1999.
6. Claims 7 and 15 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Cote et al in view of Neff, as set forth in paper no. 4, mailed February 12, 1999.

Response to Arguments

7. Applicant's arguments filed June 18, 1999 have been fully considered but they are not persuasive.

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The examiner agrees that Glover is no longer pertinent, and that rejection has been withdrawn.

Applicant argues that Cote et al does not disclose or teach a pad having first and second (or a plurality of) regions integral with the polishing surface, with first and second (or a plurality of) underlying layers to give different effects to the surface abrading of a wafer. The examiner strongly disagrees. Please refer especially to Cote et al, figure 4(b), and column 8, lines 8-27. Note also that unless more narrowly claimed, a region is simply an area of the overall surface of the pad, without structural boundary. Cote et al clearly anticipates the invention as claimed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning the content of this communication or earlier communications from the examiner should be directed to M. Rachuba whose telephone number is (703) 308-1361. The examiner can normally be reached on Monday through Friday from 8:30 AM to 3:00 PM. Any inquiries concerning other than the content of this and previous communications, such as missing

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references or filed papers not acknowledged, should be directed to the Customer Service Representative, Tech Center 3700, (703) 308-1412.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Rachuba of Art Unit 3724 at the top of your cover sheet.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

M. RACHUBA
PRIMARY PATENT EXAMINER
ART UNIT 3724



mtr
July 20, 1999